

1 KRISTA J. NIELSON, ESQ.
Nevada Bar No. 10698
2 **TIFFANY & BOSCO, P.A.**
10100 W. Charleston Blvd., Ste. 220
3 Las Vegas, Nevada 89135
4 (702) 258-8200
Attorney for Plaintiffs
5
6 TB# 15-71882

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 DITECH FINANCIAL LLC, fka GREEN TREE
SERVICING LLC and FEDERAL NATIONAL
10 MORTGAGE ASSOCIATION,

11 Plaintiffs,

12 vs.

13 CHALET VEGAS HOMEOWNERS
14 ASSOCIATION, a Nevada Homeowners
Association,

15
16 Defendants.
17

Case No.: 2:16-CV-2702-APG-NJK

**STIPULATION AND ORDER OF FINAL
JUDGMENT CONFIRMING
EXISTENCE AND VALIDITY OF
DEED OF TRUST AND RELEASE OF
LIS PENDENS**

18 Plaintiffs, DITECH FINANCIAL LLC, fka GREEN TREE SERVICING LLC and
19 FEDERAL NATIONAL MORTGAGE ASSOCIATION (“Plaintiffs”), and Defendant, CHALET
20 VEGAS HOMEOWNERS ASSOCIATION (“Defendant” or “HOA”), by and through their
21 undersigned and respective counsel of record, hereby stipulation and agree as follows:

- 22 1. This matter relates to the real property located at 4600 Swenson Street #113, Las Vegas,
23 Nevada 89169, APN 162-22-310-113 (the “Property”). The Property is more specifically
24 described as:

25 PARCEL 1: AN UNDIVIDED ONE/TWENTIETH (1/20TH) FRACTIONAL
26 INTEREST AS TENANT-IN-COMMON IN AND TO PHASE IV OF CHALET VEGAS
27 FILED IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY,
28 NEVADA, ON OCTOBER 11, 1984 IN BOOK 32, PAGE 27 OF PLATS AS
INSTRUMENT NO. 1964371, AND CERTIFICATE OF AMENDMENTS THERETO
RECORDED NOVEMBER 20, 1984 IN BOOK 2025 OF OFFICIAL RECORDS AS
DOCUMENT NO. 1984021 AND JUNE 4, 1985 IN BOOK 2120 AS DOCUMENT NO.

2079092 OF OFFICIAL RECORDS. EXCEPTING THEREFROM THE FOLLOWING: UNITS 5 THROUGH 61, 106 THROUGH 115 AND 159 THROUGH 163 OF CHALET VEGAS, PHASE IV, CONDOMINIUM PLAN RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA, ON OCTOBER 11, 1984, AS DOCUMENT NO. 1964371, AND CERTIFICATE OF AMENDMENT THERETO RECORDED NOVEMBER 20, 1984 IN BOOK 2025 OF OFFICIAL RECORDS AS DOCUMENT NO. 1984021.

PARCEL II: UNIT NO. ONE HUNDRED THIRTEEN (113) OF PHASE IV, AS SHOWN UPON THE CONDOMINIUM PLAN REFERRED TO ABOVE. PARCEL III: THE EXCLUSIVE RIGHT TO USE, POSSESSION AND OCCUPANCY OF THOSE PORTIONS OF PARCEL II DESCRIBED ABOVE, AS RESTRICTED COMMON AREAS ON THE CONDOMINIUM PLAN REFERRED TO ABOVE, WHICH RIGHT IS APPURTENANT TO PARCELS I AND II ABOVE. PARCEL IV: A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER THE COMMON AREA OF PHASES I, II, III, V THROUGH XI, INCLUSIVE, OF CHALET VEGAS, FILED IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA, ON OCTOBER 11, 1984, WHICH EASEMENT IS APPURTENANT TO PARCELS I, II AND III DESCRIBED ABOVE. THIS EASEMENT SHALL BECOME EFFECTIVE UPON THE RECORDATION OF A DECLARATION OF ANNEXATION DECLARING PHASES II THROUGH XI TO BE SUBJECT TO THE DECLARATION OF RESTRICTIONS TO WHICH REFERENCE IS HEREAFTER MADE OR A SEPARATE DECLARATION OF RESTRICTIONS WHICH REQUIRES THE OWNERS OF PHASES II THROUGH XI TO BE MEMBERS OF THE ASSOCIATION (AS DEFINED BELOW), ALL AS MORE FULLY SET FORTH IN THE DECLARATION TO WHICH REFERENCE IS HEREAFTER MADE. THE COMMON AREA REFERRED TO HEREIN AS PHASES II THROUGH XI AS SHOWN AND DESCRIBED ON THE CONDOMINIUM PLAN COVERING PHASES II THROUGH XI RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA, EXCEPTING THEREFROM ANY RESIDENTIAL BUILDING THEREON AND ANY PORTION THEREOF WHICH MAY BE DESIGNATED AS AN EXCLUSIVE USE AREA.

2. The Deed of Trust that encumbers the Property was recorded on May 21, 2007, as Instrument No. 20070521-0003190, in the Official Records of Clark County, Nevada (the "Deed of Trust").
3. In July 2007, Federal National Mortgage Association acquired ownership of the loan, including the Deed of Trust and associated promissory note.
4. On July 16, 2014, Hampton & Hampton Collections LLC, recorded a Trustee's Deed Upon Sale as Instrument No. 20140716-0001892 (the "Foreclosure Deed"), which reflected that Chalet Vegas Homeowners Association acquired the Property for the sum of \$6,305.00 (the "HOA Sale").
5. The HOA has not transferred its interest in the Property and is still the title holder of record.

1 6. On November 23, 2016, Plaintiffs initiated a quiet title action against the HOA in the
2 United States District Court, District of Nevada, Case No. 2:16-CV-2702-APG-NJK (the
3 “Quiet Title Action”).

4 7. Plaintiffs and the HOA have entered a settlement agreement in which they have settled all
5 claims between them in this case. This Stipulation and Order applies to the matters
6 addressed in this particular case only and has no relevance to any other matter.

7 8. The HOA agrees that the Deed of Trust survived and was not extinguished in any capacity
8 by the HOA Sale. The Deed of Trust remains a valid encumbrance against the Property
9 following the recording of the Foreclosure Deed, and the HOA’s interest in the Property
10 is subject to the Deed of Trust.

11 9. Additionally, the HOA agrees it will not contest any foreclosure proceedings by Plaintiffs
12 or their successors-in-interest regarding the Property.

13 10. The HOA also agrees that it will not transfer any interest in the Property that it purportedly
14 obtained at the HOA Sale to any other person or entity following execution of this
15 Stipulation.

16 /././

17 /././

18 /././

19 /././

20 /././

21 /././

22 /././

23 /././

24 /././

25 /././

26 /././

27 /././

28 /././

1 11. The Parties further stipulate and agree that the Quiet Title Action is hereby dismissed with
2 prejudice and that each party is to bear its own fees and costs.

3 12. The Parties further stipulate that this Stipulation and Order may be recorded in the Official
4 Records of the Clark County Recorder.

5 13. The parties further stipulate that the Lis Pendens recorded as Instrument No. 20150702-
6 0001758 on July 2, 2015, is hereby released and expunged from public records.
7

8 DATED this 6th day of July, 2020.

DATED this 6th day of July, 2020.

9 TIFFANY & BOSCO, P.A.

LEACH KERN GRUCHOW ANDERSON
10 SONG

11 /s/ Krista J. Nielson, Esq.
12 Krista J. Nielson, Esq.
13 10100 W. Charleston Blvd., Suite 220
14 Las Vegas, Nevada 89135
Attorneys for Plaintiffs

/s/ Ryan D. Hastings, Esq.
Ryan Hastings, Esq.
2525 Box Canyon Drive
Las Vegas, Nevada 89128
Attorneys for Defendant

15 IT IS SO ORDERED.

16 
17 UNITED STATES DISTRICT COURT JUDGE

18 Dated: July 6, 2020.
19
20
21
22
23
24
25
26
27
28